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To render the Proceſs of His MAJESTY'S Courts of King's Bench, Common Pleas, and Exchequer, in Perſonal Actions, in that Part of the United Kingdom called *Ireland*, more beneficial, and alſo to prevent frivolous and vexatious Arreſts; and to repeal ſo much of an Act, paſſed in the Parliament of *Ireland* in the Twenty-ſiſt and Twenty-ſecond Years of the Reign of His preſent MAJESTY, intituled, "An Act for enlarging the Time for Trials by Niſi " Prius in the City and County of Dublin, and for " making the Proceſs of the Court of Exchequer " more effectual," as relates to compelling the Appearance of Defendants in Perſonal Actions.

Note.—The Figures in the Margin denote the Number of the Folios in the written Copy.

WHEREAS it would tend to the more ſpeedy and beneficial Adminiſtration of Juſtice in that Part of the United Kingdom called *Ireland*, that the Proceſs for compelling the Appearance of Defendants in Actions to be hereafter inſtituted in His Maſeſty's Courts of King's Bench, Common Pleas, and Exchequer, in that Part of the United Kingdom called *Ireland*,

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be assimilated each to the others, and, as far as may be, to the Process of the superior Courts in that Part of the United Kingdom called England; and that frivolous and vexatious Arrests be prevented;

- And whereas by an Act of Parliament of Ireland, made in the Twenty-first and Twenty-second Years of the Reign of His present Majesty, intituled, "An Act for enlarging the Time for Trials by Nisi Prius in the City of Dublin and County of Dublin, and for making the Process of the Court of Exchequer more effectual against Persons who being served therewith refuse to appear," it is, among other Things, Enacted, That in all Cases, from and after passing the said Act, where a Subpœna or Subpœnas shall issue out of the Pleas or Common Law Side of the said Court, requiring any Defendant or Defendants to appear thereto, and that such Defendant or Defendants, being duly served therewith according to the then Practice or Course of the said Court, should suffer Process of Contempt to a Serjeant at Arms to be entered against him, her, or them, for not appearing on such Service, the said Court, upon the Attachment of the Serjeant at Arms being filed with the proper Officer of the said Court, with a Return made thereon by the Serjeant at Arms of the said Court, that the said Defendant or Defendants is or are not to be found, should and might, in every such Case, appoint an Attorney to enter an Appearance or Appearances for such Defendant or Defendants so in Contempt, and upon the said Appearance or Appearances being so entered, the Plaintiff or Plaintiffs at whose Suit the said Subpœna or Subpœnas should have issued, should be at liberty forthwith to file his, her, or their Declaration, and to proceed thereon to Judgment, and issue Execution, as effectually as if such Defendant or Defendants had duly and actually appeared on the Service of such Subpœna or Subpœnas:

Be it therefore Enacted by the KING's Most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as is hereinbefore set forth, shall, from and after the Day of Term, in the Year One thousand Eight hundred and be repealed, and the same is hereby, from and after the said Day of Term, repealed.

Provided always, That nothing herein contained shall avoid, or in any Manner affect, any Process of Subpœna heretofore sued out, or any Proceedings thereon, or any such Process of Subpœna which shall

shall be sued out before the said Day of Term, but all and every such Process of Subpœna, and all Actions, Suits, Judgments, and Proceedings thereon, shall proceed in like Manner, and have the same Force and Effect, as if this present Act had not been made. 5

And be it further Enacted by the Authority aforesaid, That from and after the said Day of the said Term, no Person shall be held to Special Bail upon any Process issuing out of His said Majesty's said Court of King's Bench, Common Pleas, or Exchequer, in that Part of the said United Kingdom called Ireland, where the Cause of Action shall not amount to the Sum of Pounds or upwards, nor out of any inferior Court where the Cause of Action shall not amount to the Sum of Shillings or upwards; and that in all Cases where the Cause of Action shall not amount to the Sum of Pounds or upwards, in any of the said superior Courts, or to Shillings or upwards, in any such inferior Courts (and the Plaintiff or Plaintiffs shall proceed by the Way of Process against the Person) he, she, or they shall not arrest or cause to be arrested the Body of the Defendant or Defendants, but shall serve him, her, or them personally, within the Jurisdiction of the Court, with a Copy of the Process; and if such Defendant or Defendants shall not appear at the Return of the Process, or within Days after such Return, in such Case it shall and may be lawful to and for the Plaintiff or Plaintiffs, upon Affidavit being made and filed in the proper Court, of the personal Service of such Process as aforesaid (which said Affidavit shall be filed *gratis*) to enter a Common Appearance, or file Common Bail for the Defendant or Defendants, and to proceed thereon as if such Defendant or Defendants had entered his, her, or their Appearance, or filed Common Bail; any Law or Usage to the contrary notwithstanding. 6 7

And be it further Enacted by the Authority aforesaid, That such Affidavit of Service of such Process, shall and may be made before any Judge or Commissioner of the Court out of which such Process shall issue, authorized to take Affidavits in such Court.

And be it further Enacted by the Authority aforesaid, That from and after the said Day of Term One thousand Eight hundred and in all Cases where the Cause of Action shall amount to the Sum of Pounds, or Shillings, or upwards, as aforesaid, Affidavit shall be made and filed of such Cause of Action (which Affidavit may be made

- 8 made before any Judge or Commissioner of the Court out of which such Process shall issue, authorized to take Affidavits in such Court) and the Sum or Sums specified in such Affidavit, shall be indorsed on such Writ or Process, for which Sum or Sums so indorsed, the Sheriff or other Officer to whom such Writ or Process shall be directed shall take Bail, and for no more; and if, after the Day of the said Term One thousand Eight hundred and any Writ or Process shall Issue for the Sum of Pounds or upwards, and no Affidavit or Indorsement shall be made as aforesaid, the Plaintiff or Plaintiffs shall not proceed to arrest the Body of the Defendant or Defendants, but shall proceed in like Manner as is by this Act directed in Cases where the Cause of Action does not amount to the Sum of Pounds, or Shillings, or upwards, as aforesaid.

- 9 And be it further Enacted by the Authority aforesaid, That upon every Copy of such Process to be served upon any Defendant, shall be written a Notice to such Defendant of the Intent and Meaning of such Service, to the Effect following; (that is to say)

“ *A.B.* You are served with this Process, to the Intent that
 “ you may, by your Attorney, appear in His Majesty’s
 “ Court of at the Return thereof, being the
 “ Day of [as the Case shall
 “ happen to be] in order to your Defence in this Action.”

Which said Notice shall be signed by the Attorney of the Plaintiff or Plaintiffs with his Christian and Surname, and thereunto shall be added his Place of Residence, and for which said Notice no Fee or Reward shall be demanded or taken.

- 10 Provided always, and it is hereby further Enacted by the Authority aforesaid, That no Plaintiff shall enter a Common Appearance, or file Common Bail for any Defendant, unless the Plaintiff shall make Affidavit, or his Attorney shall certify in Writing, that such Plaintiff or Attorney (as the Case may be) knows the Person so swearing to such Service, and that such Plaintiff or Attorney (as the Case may be) believes that such Process has been personally served on the Defendant at such Time as such Person shall have sworn to, and in which Affidavit or Certificate (as the Case may be) the Addition and Place of Residence of the Person so swearing to such Service shall be inserted; which said Certificate or Affidavit (as the Case may be) shall be filed *gratis*.

Provided

Provided also, and be it further Enacted, That it shall not be lawful to enter a Common Appearance, or file Common Bail, for any Defendant under this Act, in any Case where the Sum sought to be recovered shall not exceed Pounds, if the Cause of Action for which such Sum is so sought to be recovered be cognizable by Civil Bill.

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To render the Process of His Majesty's Courts of King's Bench, Common Pleas, and Exchequer, in Personal Actions, in that Part of the United Kingdom called *Ireland*, more beneficial, and also to prevent frivolous and vexatious Arrests; and to repeal so much of an Act, passed in the Parliament of *Ireland* in the Twenty-fifth and Twenty-sixth Years of the Reign of His present Majesty, as related, "An Act for enlarging the Time " for Trials by Nisi Vires in the City and " County of Dublin, and for making the " Process of the Court of Exchequer more " effectual," as relates to compelling the Appearance of Defendants in Personal Actions.

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